

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DREBIN *et al.*

Appl. No. 10/674,825

Filed: October 1, 2003

For: **Method and Apparatus for
Compressing and Uncompressing
Image Data**

Confirmation No. 8770

Art Unit: 2621

Examiner: To Be Assigned

Atty. Docket: (678.01)
1452.3770001/MVM/GSB

Petition Under 37 C.F.R. § 1.47(a)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 35 U.S.C. § 116, 37 C.F.R. § 1.47(a), and
M.P.E.P. § 409.03, Petitioners have filed herewith the following documents:

- (1) For U.S. Patent Application No. 10/674,825, a copy of the original
Declaration for Patent Application by inventor Mr. Christopher MIGDAL;
and
- (2) a sworn Statement of Facts In Support Of Filing On Behalf Of Nonsigning
Inventors Under 37 C.F.R. § 1.47(a), signed by the undersigned, which:
 - (1) confirms the firsthand knowledge of the undersigned of the facts
related to the efforts to obtain a signed Declaration from Mr. DREBIN and
Mr. WANG in the parent application and (2) states the last known
addresses of Mr. DREBIN and Mr. WANG.

06/15/2004 HALI11 00000045 10674825

03 FC:1460


130.00 OP

(3) The Declaration for Patent Application has been signed in the parent application by one of the three named joint inventors. Mr. DREBIN and Mr. WANG have not executed the Declaration for Patent Application. As provided for at M.P.E.P. § 409.03(a)(A), Petitioners submit that the Declaration for Patent Application, signed by Mr. MIGDAL with the signature block for Mr. DREBIN and Mr. WANG left blank, should be considered as having been signed by all the joint inventors on behalf of the nonsigning inventors. The Statement of Facts (and associated exhibits): (1) provides proof that the nonsigning inventors have refused to sign the Declaration and (2) states the last known addresses of the nonsigning inventors. Petitioners submit that the this document, including its attachments, meets the requirements of M.P.E.P. §§ 409.03(a), (d) and (e).

Based upon the documents and fees filed herewith, Petitioners respectfully submit that all the requirements of 35 U.S.C. § 116, 37 C.F.R. § 1.47(a), and M.P.E.P. § 409.03 have been satisfied. Accordingly, Petitioners respectfully request that this Petition Under 37 C.F.R. § 1.47(a) be granted and that the enclosed Declaration be accepted.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


George S. Bardmesser
Attorney for Petitioners
Registration No. 44,020

Date: 6/9/04

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Kanessa Howard - U.S. Patent Application No. 09/162,244

From: George Bardmesser
To: wang@ati.com
Date: 4/5/2004 4:37 PM
Subject: U.S. Patent Application No. 09/162,244

Re: Allowed U.S. Patent Application
Appl. No. 09/162,244; Filed: September 28, 1998
For: **Method and Apparatus for Compressing and Uncompressing Image Data**
Inventors: Drebin *et al.*
SGI Ref: SGI 15-4-678.00
Our Ref: 1452.3770001/MVM/GSB

Dear Mr. Wang:

Per our telephone conversation, please confirm that you will not be signing the declaration and assignment forms for the above-identified application.

Thank you.

George Bardmesser

George S. Bardmesser
Sterne Kessler Goldstein & Fox
1100 New York Avenue, N.W.
Washington, DC 20005
Email: gbardmes@skgf.com
Phone: 202-772-8782
Fax: 202-371-2540
Cellular: 301-802-7605

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From: "David Wang" <wang@ati.com>
Sent: Mon Apr 05 17:07:35 2004
To: GBARDMES.SKGF_PO.SKGF_DOM
Subject: RE: U.S. Patent Application No. 09/162,244

This is to confirm that I am not comfortable signing the declaration and assignment forms for the application mentioned below because I do not wish to be exposed to SGI confidential information.

Thanks.

-----Original Message-----

From: George Bardmesser [mailto:GBARDMES@skgf.com]
Sent: Monday, April 05, 2004 1:38 PM
To: wang@ati.com
Subject: U.S. Patent Application No. 09/162,244

Re: Allowed U.S. Patent Application

Appl. No. 09/162,244; Filed: September 28, 1998

For: Method and Apparatus for Compressing and Uncompressing Image Data

Inventors: Drebin et al.

SGI Ref: SGI 15-4-678.00

Our Ref: 1452.3770001/MVM/GSB

Dear Mr. Wang:

Per our telephone conversation, please confirm that you will not be signing the declaration and assignment forms for the above-identified application.

Thank you.

George Bardmesser

George S. Bardmesser
Sterne Kessler Goldstein & Fox
1100 New York Avenue, N.W.
Washington, DC 20005
Email: gbardmes@skgf.com <mailto:gbardmes@skgf.com>
Phone: 202-772-8782
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email and destroy the original message and all copies.

Kanessa Howard - U.S. Patent Application No. 09/162,244

From: George Bardmesser
To: rad@ati.com
Date: 4/5/2004 4:16 PM
Subject: U.S. Patent Application No. 09/162,244

Re: Allowed U.S. Patent Application
Appl. No. 09/162,244; Filed: September 28, 1998
For: **Method and Apparatus for Compressing and Uncompressing Image Data**
Inventors: Drebin *et al.*
Your Ref: SGI 15-4-678.00
Our Ref: 1452.3770001/MVM/GSB

Dear Mr. Drebin:

Per our telephone conversation, please confirm that you will not be signing the declaration and assignment forms for the above-identified application.

Thank you.

George Bardmesser

George S. Bardmesser
Sterne Kessler Goldstein & Fox
1100 New York Avenue, N.W.
Washington, DC 20005
Email: gbardmes@skgf.com
Phone: 202-772-8782
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From: "Bob Drebin" <rad@ati.com>
Sent: Mon Apr 05 16:24:33 2004
To:
Subject: RE: U.S. Patent Application No. 09/162,244

This is to confirm that I am not comfortable signing the declaration and assignment forms for the application mentioned below,

because the application was filed a half year after I left SGI and I do not wish to be exposed to SGI

confidential information which was added to the application since my departure.

Regards,

Bob Drebin

-----Original Message-----

From: George Bardmesser [mailto:GBARDMES@skgf.com]
Sent: Monday, April 05, 2004 1:16 PM
To: rad@ati.com
Subject: U.S. Patent Application No. 09/162,244

Re: Allowed U.S. Patent Application

Appl. No. 09/162,244; Filed: September 28, 1998

For: Method and Apparatus for Compressing and Uncompressing Image Data

Inventors: Drebin et al.

Your Ref: SGI 15-4-678.00

Our Ref: 1452.3770001/MVM/GSB

Dear Mr. Drebin:

Per our telephone conversation, please confirm that you will not be signing the declaration and assignment forms for the above-identified application.

Thank you.

George Bardmesser

George S. Bardmesser
Sterne Kessler Goldstein & Fox
1100 New York Avenue, N.W.
Washington, DC 20005
Email: gbardmes@skgf.com <mailto:gbardmes@skgf.com>
Phone: 202-772-8782
Fax: 202-371-2540
Cellular: 301-802-7605

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Examiner: To Be Assigned

Atty. Docket: (678.01)

1452.3770001/MVM/GSB

**Statement Of Facts In Support Of Filing On Behalf
Of Non-Signing Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, George S. Bardmesser, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of non-signing inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 10/674,825, filed October 1, 2003 (hereinafter referred to as the "patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Registration No. 44,020.
3. I am a patent attorney at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934.
4. Mr. Chi-Shung (David) WANG is an inventor named in the patent application. The last known address of Mr. WANG is: 45742 Stanford Ct., Fremont, CA 94539.
6. Mr. Wang is no longer employed at the SGI Corporation, 1500 Crittenden Lane, Mountain View, CA 94043, which is the owner of this application. He is currently employed by ATI Corp. in California.
7. On April 4, 2004, I spoke to Mr. WANG by telephone regarding whether he will sign the Declaration and Assignment for the parent of this application. Mr. Wang indicated that he will not, unless SGI expressly states that the patent application contains no SGI confidential information.

8. Mr. WANG also agreed to confirm by email that he will not sign the Declaration and Assignment, absent such a statement by SGI. A copy of the email exchange is attached to this Statement.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



George S. Bardmesser
Attorney for Applicants
Reg. No. 44,020

Date: _____

6/9/09



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DREBIN *et al.*

Appl. No.: 10/674,825

Filed: October 1, 2003

For: **Method and Apparatus for
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Confirmation No. 8770

Art Unit: 2621

Examiner: To Be Assigned

Atty. Docket: (678.01)

1452.3770001/MVM/GSB

**Statement Of Facts In Support Of Filing On Behalf
Of Non-Signing Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents
Washington, D.C. 20231

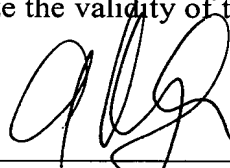
Dear Sir:

I, George S. Bardmesser, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of non-signing inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 10/674,825, filed October 1, 2003 (hereinafter referred to as the "patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Registration No. 44,020.
3. I am a patent attorney at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934.
4. Mr. Robert A. DREBIN is an inventor named in the patent application. The last known address of Mr. Drebin is: 1100 Cedar Street, Palo Alto, CA 94301.
6. Mr. DREBIN is no longer employed at the SGI Corporation, 1500 Crittenden Lane, Mountain View, CA 94043, which is the owner of this application. He is currently employed by ATI Corp. in California.
7. On April 4, 2004, I spoke to Mr. DREBIN by telephone regarding whether he will sign the Declaration and Assignment for the parent of this application. Mr. DREBIN indicated that he will not, unless SGI expressly states that the patent application contains no SGI confidential information.

8. Mr. DREBIN also agreed to confirm by email that he will not sign the Declaration and Assignment, absent such a statement by SGI. A copy of the email exchange, confirming his refusal to sign, is attached to this Statement.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



George S. Bardmesser
Attorney for Applicants
Reg. No. 44,020

Date: 6/9/04

**Declaration and Power of Attorney
for a Patent Application****COPY****Declaration**

As below named inventor, I hereby declare that my residence post office address, and citizenship are as stated below my name. Further, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF AND APPARATUS FOR COMPRESSING AND UNCOMPRESSING IMAGE DATA

the specification of which:

..... is attached hereto, or
☒ was filed on 09/28/98 as application serial no. 09/162,244 : and
..... was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; and

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Foreign Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Date Filed	Priority Claimed
.....	yes no
.....	yes no

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status (patented/pending/abandoned)
.....
.....

Power of Attorney

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent Trademark Office connected therewith.

James P. Hao	Registration No.: 36,398
Anthony C. Murabito	Registration No.: 35,295
John P. Wagner	Registration No.: 35,398
Glenn D. Barnes	Registration No.: 42,293
Wilfred H. Lam	Registration No.: 41,923
Steve Weiner	Registration No.: 38,330
Chris Byrne	Registration No.: 32,204
Irene Fernandez	Registration No.: 34,625
John Brigden	Registration No.: 40,530

Send Correspondence to:

WAGNER, MURABITO & HAO
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060

Signatures

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

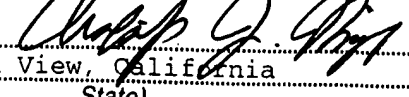
Full Name of Sole/First Inventor: Robert A. Drebin

Inventor's Signature _____ Date _____
Residence Palo Alto, California Citizenship USA
(City State)
P.O. Address 1100 Cedar Street, Palo Alto, California 94301

Full Name of Second/Joint Inventor: David Wang

Inventor's Signature _____ Date _____
Residence Fremont, California Citizenship Republic of China
(City State)
P.O. Address 45742 Stanford Court, Fremont, California 94539

Full Name of Third/Joint Inventor: Christopher J. Migdal

Inventor's Signature  Date November 5, 1998
Residence Mountain View, California Citizenship USA Canadian C/M Nov 5, 1998
(City State)
P.O. Address 603 Tami Way, Mountain View, California, 94041

Full Name of Fourth/Joint Inventor:

Inventor's Signature

Date

Residence Citizenship

(City State)

P.O. Address

Full Name of Fifth/Joint Inventor:

Inventor's Signature

Date

Residence Citizenship

(City State)

P.O. Address